



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 26 2013

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Matthew Read  
Hodge Dwyer & Driver  
3150 Roland Avenue  
Springfield, Illinois 62705-5776

Re: *In the Matter of: Farmers Grain Company of Dorans, Mattoon, Illinois*  
Docket No. EPA 5-13-113(a)-IL-04

Dear Mr. Read:

I have enclosed a signed Administrative Consent Order (ACO) with Famers Grain Company of Dorans under the Clean Air Act. Pursuant to Paragraph 45 the ACO is effective on the date of signature by the Director of the Air and Radiation Division.

If you have any questions on this matter, please do not hesitate to call Ms. Jennifer Wilson, P.E. of my staff, at (312)353-3115, or, with legal questions, Kathleen Schnieders, Associate Regional Counsel, at (312) 353-8912.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank", written over a horizontal line.

Nathan A. Frank, P.E.  
Chief  
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: Regional Hearing Clerk, E-19J  
Kathleen Schnieders, C-14J  
Jennifer Wilson, P.E., AE-17J  
David Bloomberg, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-13-113(a)-IL-04</b>
	)	
<b>Farmers Grain</b>	)	<b>Proceeding Under Sections 113(a)(1), (a)(3),</b>
<b>Company of Dorans</b>	)	<b>114(a)(1) of the Clean Air Act 42 U.S.C.</b>
<b>Mattoon, Illinois</b>	)	<b>42 U.S.C. §§ 74113(a)(1),(a)(3) and 7414(a)(1)</b>
	)	

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**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to Farmers Grain Company of Dorans (Farmers) under Sections 113(a)(1), (a)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1), (a)(3) and 7414(a)(1).
2. This Order applies to the grain elevator located at 6877 East County Road 1200, North Mattoon, Illinois owned and operated by Farmers Grain of Dorans (the Facility).

**Statutory and Regulatory Background**

3. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.
4. On February 21, 1980, EPA approved Illinois Pollution Control Board (IPCB) Rule 203 as part of the federally enforceable State Implementation Plan (SIP) for the State of Illinois. 45 Fed. Reg. 11493. IPCB Rule 203 is codified, in part, at 35 Ill. Admin. Code §§ 212.461 and 212.462.
5. The Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)] sets forth certain housekeeping practices (hereinafter "Housekeeping Practices") that all grain-handling and grain-drying operations must implement regardless of size. These include:

- a. Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.
  - b. Cleaning and Maintenance.
    - i. Floors shall be kept swept and cleaned from boot pit to cupola floor. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.
    - ii. Cleaning shall be handled in such a manner as not to permit dust to escape to the atmosphere.
    - iii. The yard and surrounding area, including but not limited to ditches and curbs, shall be cleaned to prevent the accumulation of rotting grain.
  - c. Dump pit.
    - i. Aspiration equipment shall be maintained and operated.
    - ii. Dust control devices shall be maintained and operated.
  - d. Head House. The head house shall be maintained in such a fashion that visible quantities of dust or dirt are not allowed to escape to the atmosphere.
  - e. Property. The yard and driveway of any source shall be asphalted, oiled, or equivalently treated to control dust.
  - f. Housekeeping Check List. Housekeeping checklists to be developed by the Agency shall be completed by the manager and maintained on the premises for inspection by Agency personnel.
6. Grain elevators that are not located in Major Population Areas, as that term is defined at Illinois SIP at Part 211 [35 Ill. Admin. Code § 211.3610], are exempt from the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462]. That exemption ceases to apply when a facility is in violation of the Housekeeping Practices or when a Facility violates the pollution prohibition in Subsection 9(a) of the Illinois Environmental Protection Act.
7. Section 9(a) of the Illinois Environmental Protection Act states that "No person shall: (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone

or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.”

8. The Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462] applies to elevators with a throughput greater than 300,000 bushels/year. Facilities which are subject must adhere to the following requirements:

- a. Apply induced draft to major dump pits and associated equipment (including, but not limited to, boots, hoppers and legs) to such an extent that a minimum face velocity is maintained, at the effective grate surface, sufficient to contain particulate emissions generated in unloading operations. The minimum face velocity at the effective grate surface shall be at least 200 feet per minute which shall be determined in accordance with the formula provided. Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(1) [35 Ill. Admin. Code § 212.462(b)(1)(A)]
- b. Induced draft air stream is confined and conveyed through air pollution control equipment, which has an overall rated and actual particulate collection efficiency of not less than 90%, by weight. Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(2) [35 Ill. Admin. Code § 212.462(b)(1)(B)]
- c. Means or devices (including, but not limited to, quick-closing doors, air curtains or wind deflectors) shall be employed to prevent a wind velocity in excess of 50% of the induced draft face velocity at the pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph. Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(4) [35 Ill. Admin. Code § 212.462(b)(1)(D)]

9. Truck and hopper car loading must “employ socks, sleeves or equivalent devices which extend six inches below the sides of the receiving vehicle.” Illinois SIP at Rule 203(d)(9)(B)(i)(b) [35 Ill. Admin. Code § 212.462(a)(2)]

10. The Illinois SIP at Rule 203(d)(9)(B)(iii) [35 Ill. Admin. Code § 212.462(c)] also requires pollution controls for the internal transferring area as follows:

- a. Internal transferring area shall be enclosed to the extent necessary to prohibit visible particulate matter emissions directly into the atmosphere.
- b. Air contaminants collected from internal transfer operations . . . shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90% by weight prior to release into the atmosphere.

11. "Internal transferring area" is defined as "areas and associated equipment used for conveying grain among the various grain operations." Illinois SIP at Part 211 [35 Ill. Admin Code § 211.3210]
12. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.
13. The Administrator of EPA may require any person who owns or operates an emission source to make reports; install, use and maintain monitoring equipment; sample emissions; and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

#### **Allegations**

14. Farmers owns and operates the Facility, a grain elevator at 6877 East County Road 1200, North Mattoon, Illinois 61938. The Facility is in Coles County, which is not a Major Population Area.
15. The Facility has a total annual grain throughput of greater than 2 million bushels per year and processes soybeans, corn and wheat using trucks, two dump pits designated as the East Dump Pit and the West Dump Pit, internal transferring areas with belt or chain conveyors, truck loading, storage bins, one dryer, and a railcar loading area, all of which have the potential to create particulate matter.
16. At all times relevant to this Order, the Facility has been subject to the provisions of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)].

17. In September 2011, EPA received two complaints from residents who live near the Facility indicating that particulate matter from the roads and grain from the Facility was blowing onto their property.
18. On October 28, 2011, EPA personnel performed an inspection of the Facility and observed that the dump pits had neither aspiration equipment nor dust control devices.
19. During the inspection, a representative of Farmers told the inspectors that the Facility has difficulty performing housekeeping during harvest and controlling the dust from the dirt road. He also said he has received complaints from the neighbors about particulate matter pollution from the Facility.
20. Furthermore, EPA personnel observed that the Facility is not equipped with the following controls:
  - a. The two dump pits did not have induced draft;
  - b. The two dump pits either did not have or did not use means or devices to prevent a wind velocity in excess of 50% of the induced draft face velocity at the pit;
  - c. The loadouts for trucks did not have sleeves or equivalent devices attached to them; and
21. EPA finds that by violating the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)] and Section 9(a) of the Illinois Environmental Protection Act, the Facility is not exempt from the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462].
22. On March 23, 2012, EPA issued to Farmers a Notice and Finding of Violation (NOV/FOV) alleging violations of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)] and Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462]. On April 23, 2012, representatives of Farmers and EPA discussed the March 23, 2012, NOV/FOV.
23. While not admitting to the allegations in the NOV/FOV, Farmers agrees to the terms of this Order and the requirements therein.

24. On August 28, 2012, August 29, 2012, September 28, 2012, and May 28, 2013, EPA received additional complaints from residents who live near the Facility saying particulate matter from the roads and grain from the Facility was continuing to blow onto their yards and coat their belongings.

### **Compliance Program**

25. Within 30 days of the effective date of this Order, Farmers must submit to the Illinois Environmental Protection Agency (IEPA) completed applications for permits for the items required in this Order in accordance with the Illinois SIP at Rule 103(a)(1) [35 Ill. Admin. Code § 201.142] and Rule 103(b)(1) [35 Ill. Admin. Code § 201.143].
26. Within 60 days of the effective date of this Order, Farmers must submit a plan for controlling PM emissions (PM Control Plan) from both the East Dump Pit and the West Dump Pit. The PM Control Plan shall include induced draft on each pit routed to one or more baghouses and the following information:
- a. The baghouse design criteria including flow rate and pollutant removal. Farmers shall provide documentation certifying that the baghouse is designed to meet a 90% particulate removal efficiency (90% by weight). This documentation must come from the engineer designing the pollution controls and from the manufacturer of the controls.
  - b. Detailed calculations demonstrating the face velocity at the effective grate surface. If the grate is equipped with baffles, the effective grate surface area shall be calculated based on the total area air will pass through when the baffles are fully open.
  - c. Means or devices that will be employed to prevent a wind velocity in excess of 50% of the induced draft face velocity at the pit, provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph per Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(4) [35 Ill. Admin. Code § 212.462(b)(1)(D)].
27. EPA will review and approve or disapprove the PM Control Plan within 180 days after the effective date. The basis for EPA's approval or disapproval shall be conformance with the

Illinois SIP at Rule 203(d)(9)(B)(ii) [35 Ill. Admin. Code 212.462(b)]. Farmers shall be in violation of this Order if it fails to secure approval of the PM Control Plan within 180 days of the effective date so long as EPA:

- a. Provides a notice of its intent to disapprove the PM Control Plan within 90 days of the effective date, documenting its deficiencies with respect to the Illinois SIP at Rule 203(d)(9)(B)(ii) [35 Ill. Admin. Code 212.462(b)].
- b. Provides a notice of disapproval of the PM Control Plan within 180 days of the effective date. EPA will consider any amendments to the PM Control Plan submitted after EPA provides its notice of intent to disapprove the PM Control Plan prior to disapproving the plan.

28. By no later than 60 days from the effective date of this Order, unless otherwise noted,

Farmers must implement the following program for the Facility:

- a. In accordance with the Illinois SIP at Rule 203(d)(9)[35 Ill. Admin. Code § 212.461], Farmers shall:
  - i. Check air pollution control devices daily, including all monitoring equipment and for the presence of visible emissions, and clean as necessary to insure proper operation.
  - ii. Sweep and clean the floor from boot pit to cupola.
  - iii. Maintain and operate dust control devices at the dump pits.
  - iv. Complete and maintain a housekeeping checklist on the premises for inspection by EPA or IEPA personnel. The housekeeping checklist shall include lines requiring:
    1. Daily inspection of the new baghouses once they are built and operating to ensure that they are functioning properly in accordance with the Illinois SIP at Rule 203(d)(9)(A)(i) [35 Ill. Admin. Code § 212.461(b)(1)];
    2. Daily recording of the pressure drop reading on the baghouses once they are built and operating; and,
    3. Weekly inspections of the sleeves on the loadouts while loadout is occurring.
  - v. Tar and chip all driveways and truck staging areas.
  - vi. Water all parking areas and driveways at least twice per day, and more often as needed, except when rain, snow, or sleet or other forms of precipitation makes watering unnecessary, until tar and chipping is completed. When all of the roads are asphalted or covered with tar and chips watering will no longer



be necessary as long as the roads are maintained and they are not generating particulate matter when vehicles drive over them. Farmers shall maintain the parking and driveway areas that have blacktop and prevent them from crumbling or otherwise deteriorating.

- vii. Prepare a spreadsheet and record the times and dates of watering until the tar and chipping is completed. If watering was not performed because the Facility was not operating or due to weather conditions as specified in Paragraph 28.vi., that should be noted in the spreadsheet.
- b. In accordance with the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462], Farmers shall:
  - i. Install sleeves or the equivalent on all truck loadouts. The sleeves or the equivalent must extend six inches into the trucks when they are being loaded. The sleeves shall be repaired promptly when they are broken or torn.
  - ii. Install sleeves or the equivalent on all railcar loadouts. The sleeves or the equivalent must extend six inches into the railcars when they are being loaded. The sleeves shall be repaired promptly when they are broken or torn.

29. By no later than 270 days from the effective date of this Order, unless otherwise noted,

Farmers must implement the following program in accordance with the EPA approved PM Control Plan as specified in Paragraph 26:

- a. Install and operate induced draft with multiple aspiration points on both of the dump pits. The induced draft shall have a minimum face velocity of 200 feet per minute at the grate surface. The induced draft must collect and convey the pollutants to pollution control devices with 90% particulate matter removal efficiency.
- b. Install and operate means or devices (including, but not limited to, quick-closing doors, air curtains or wind deflectors) at the Facility dump pits to prevent a wind velocity in excess of 50 percent of the induced draft face velocity at the pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph. Enclose its conveyors in the internal transferring area. After any leakage or breakage of the conveyors, Farmers shall sweep and clean the conveyor area to remove grains in accordance with housekeeping requirements.
- c. If Farmers believes the IEPA has not approved the construction and operating permits with sufficient time to build and operate the items listed above, Farmers must inform EPA of this and EPA will grant an extension, provided that Farmers has made best efforts to obtain such permit.

30. Farmers shall install pressure gauges and/or other monitoring equipment to evaluate the performance of the air pollution controls required by this Order.
31. By signing this order, Farmers certifies that all of the conveyors at the Facility are enclosed and there are no emission points to the atmosphere. After any leakage or breakage of the conveyors, Farmers shall sweep and clean the conveyor area to remove grains in accordance with housekeeping requirements. Farmers shall also repair the conveyors promptly.

### **Periodic Reporting**

32. After the effective date of this Order, and for one year thereafter, Farmers must submit a total of four electronic quarterly reports to EPA by the 15th day of March, June, September, and December that include:
- a. Status of the application for a construction permit for the pollution control requirements for the dump pits, truck loadouts, and rail car loadouts set forth in Paragraphs 28 and 29.
  - b. Status of construction of the loadout sleeves, pollution control devices, and other pollution controls for the dump pits, truck loadouts, and rail car loadouts required by this order.
  - c. Monthly spreadsheet(s) of pressure gauge readings, watering events, and other monitoring device readings on the air pollution controls required by this ACO.
33. Farmers must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

34. Farmers must send all electronic reports required by this Order to [wilson.jennifera@epa.gov](mailto:wilson.jennifera@epa.gov) and [r5airenforcement@epa.gov](mailto:r5airenforcement@epa.gov). Paper documents must be submitted to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

### **General Provisions**

35. This Order does not affect Farmers' responsibility to comply with other federal, state and local laws, including the New Source Performance Standard for Grain Elevators which is found at 40 C.F.R. Part 60, Subpart DD, 40 C.F.R. §§ 60.300 – 304 (Subpart DD).
36. This Order does not impose any restrictions on the operation of any dryers or grain bin vents at the Facility.
37. This Order does not restrict EPA's authority to enforce the Illinois SIP or any other section of the CAA.
38. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Farmers' violation of the Illinois SIP.
39. Failure to comply with this Order may subject Farmers to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.
40. The terms of this Order are binding on Farmers, its assignees and successors. Farmers must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.
41. Farmers may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Farmers fails to assert a business confidentiality claim, EPA may make all

submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

42. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish documents as an electronic copy on CD or thumb drive. If not possible, provide your response to this Order without staples; paper clips and binder clips, however, are acceptable.
43. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.
44. Farmers agrees to the terms of this Order.
45. This Order is effective on the date of signature by the Director of the Air and Radiation Division.

SEPT 20, 2013  
Date

9/27/13  
Date

Bob Haugens  
Bob Haugens  
General Manager  
Farmers Grain Company of Dorans

George T. Ozerniak  
George T. Ozerniak  
Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5

**CERTIFICATE OF MAILING**

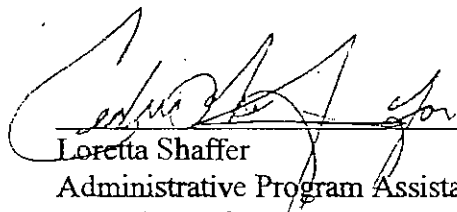
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-13-113(a)-IL-04, by certified mail, return receipt requested, to:

Bob Haugens  
General Manager  
Farmers Grain Company of Dorans  
6877 East County Road 1200 North  
Mattoon, Illinois 61938

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-13-113(a)-IL-04, by first-class mail to:

Ray Pilapil, Manager  
Bureau of Air  
Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

On the 30<sup>th</sup> day of SEPTEMBER 2013.

  
\_\_\_\_\_  
Loretta Shaffer  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 1246